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Promotion and protection of the rights of children

Status of the Convention on the Rights of the Child

Report of the Secretary-General**

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** The document was submitted late to the conference services without the explanation required under paragraph 8 of General Assembly resolution 53/208 B, by which the Assembly decided that, if a report is submitted late, the reason should be included in a footnote to the document.

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I. Introduction

1. The General Assembly, by its resolution 44/25 of 20 November 1989, adopted the Convention on the Rights of the Child. The Convention was opened for signature in New York on 26 January 1990 and entered into force on 2 September 1990, the thirtieth day after the deposit with the Secretary-General of the twentieth instrument of ratification or accession.

2. Further, the Assembly, by its resolution 54/263 of 25 May 2000, adopted two optional protocols to the Convention on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

3. On 19 December 2001, the Assembly adopted resolution 56/138, entitled "The rights of the child". The resolution considered the postponement of the special session of the General Assembly on children due to exceptional circumstances and reaffirmed that the Assembly would make a renewed commitment and consider future action for children in the forthcoming decade. It also took note with appreciation of the report of the Secretary-General entitled "We the children: end-decade review of the follow-up to the World Summit for Children". It further welcomed the pace of ratification of the two Optional Protocols to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict respectively. The resolution also welcomed the convening of the Second World Congress against Commercial Sexual Exploitation of Children. In the same resolution, the Assembly requested the Secretary-General to conduct an in-depth study on the question of violence against children and to put forward recommendations for consideration by Member States for appropriate action, including effective remedies and preventive and rehabilitative measures. The Assembly also requested the Secretary-General to submit to it at its fifty-seventh session a report on the status of the Convention on the Rights of the Child and the Optional Protocols thereto.

II. Status of the Convention on the Rights of the Child

4. As at 2 July 2002, the Convention on the Rights of the Child had been ratified or acceded to by 191 States. In addition, two States had signed the Convention.[1]

5. As at 2 July 2002, the optional protocol to the Convention on the involvement of children in armed conflict had been ratified by 33 States and signed by 109 and the optional protocol to the Convention on the sale of children, child prostitution and child pornography had been ratified by 33 States and signed by 103.[2]

6. As at 2 July 2002, 120 States parties to the Convention had notified the Secretary-General of their acceptance of the amendment to article 43, paragraph 2, of the Convention increasing the membership of the Committee from 10 to 18 members (resolution 50/155); 128 notifications are needed (two thirds of States parties) in order for the amendment to enter into force.

III. Implementation of the Convention on the Rights of the Child

7. In its resolution 2002/92 of 26 April 2002, the Commission on Human Rights, profoundly concerned that the situation of children in many parts of the world remains critical as a result of the persistence of poverty, inadequate social and economic conditions in an increasingly globalized world economy, pandemics, in particular the human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS), natural disasters, armed conflicts, displacement, exploitation, illiteracy, hunger, intolerance, discrimination, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for, inter alia, urged the States that have not yet done so to consider signing and ratifying or acceding to the Optional Protocols to the Convention on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography. Further, the Commission requested the Office of the United Nations High Commissioner for Human Rights, United Nations mechanisms, all relevant organs of the United Nations system, in particular special representatives, special rapporteurs and working groups, regularly and systematically to include a child rights perspective in the fulfilment of their mandates, and called upon States to cooperate closely with them; reaffirmed the importance of ensuring adequate and systematic training in the rights of the child for law enforcement

and other professions whose work has an impact on children, as well as coordination between various governmental bodies; called upon all States to put an end to impunity, where applicable, for all crimes, including where children are victims, in particular those of genocide, crimes against humanity and war crimes, and to bring perpetrators of such crimes to justice; decided, with regard to the Committee, to request the Secretary-General to ensure the provision of appropriate staff and facilities from the United Nations regular budget for the effective and expeditious performance of the functions of the Committee, and invited the Committee to continue to enhance its constructive dialogue with the States parties and its transparent and effective functioning.

8. The Committee on the Rights of the Child held its twenty-eighth, twenty-ninth and thirtieth sessions at the United Nations Office at Geneva, from 24 September to 12 October 2001, 14 January to 1 February 2002 and 20 May to 7 June 2002 respectively.[3]

9. In conformity with rule 75 of its provisional rules of procedure, the Committee on the Rights of the Child has decided periodically to devote one day of general discussion to a specific article of the Convention or to a theme related to the rights of the child in order to enhance understanding of the contents and implications of the Convention.

10. At its twenty-eighth session, the Committee devoted one day of its general discussion to the theme, "Violence against children within the family and in schools". Pursuant to the discussion held on 28 September 2001, the Committee recommended, inter alia, that the Secretary-General be requested, through the General Assembly, to conduct an in-depth international study on the issue of violence against children. The report should be as thorough and influential as the 1996 report of the expert of the Secretary-General, Graça Machel, on the impact of armed conflict on children (A/51/306 and Add.1). In that regard and on the basis of article 45 (c) of the Convention on the Rights of the Child, the Chairperson of the Committee sent, on 12 October 2001, a letter to the Secretary-General (see A/56/488) requesting him to undertake an in-depth study on the issue of violence against children. On 19 December 2001, the General Assembly endorsed this proposal in its resolution 56/138.

11. At its twenty-ninth session, the Committee on the Rights of the Child adopted a recommendation regarding the periodicity of submission of reports. It decided, on an exceptional basis, to allow States parties whose periodic report is long overdue to combine their second and third periodic reports (fourth, when necessary) in order to catch up with their reporting obligations as foreseen in article 44, paragraph 1, of the Convention (see CRC/C/114).

12. During the same session (CRC/C/114, para. 561), the Committee decided to send a letter to all States parties whose initial reports were due in 1992 and 1993, requesting them to submit that report within one year. The Committee further decided to inform those States parties in the same letter that should they not report within one year, the Committee would consider the situation of child rights in the State in the absence of the initial report, as foreseen in the Committee's "Overview of the reporting procedures" (CRC/C/33, paras. 29-32) and in light of rule 67 of the Committee's provisional rules of procedure (CRC/C/4).

13. At its thirtieth session, the Committee on the Rights of the Child adopted a recommendation regarding the length of reports. In view of the excessively long reports that the Committee had received in the past, it decided to recommend to States parties to submit periodic reports of a maximum of 120 pages. It also decided to revise in the near future its reporting guidelines for periodic reports.

Notes

[1] For the list of States that have signed, ratified or acceded to the Convention, as well as the dates of their signature, ratification or accession, see A/57/41, annex I.

[2] For the list of States that have signed, ratified or acceded to the optional protocols to the Convention, as well as the dates of their signature, ratification or accession, see A/57/41, annexes II and III.

[3] For the reports of the Committee on these sessions, see CRC/C/111, CRC/C/114 and CRC/C/118 respectively.